Attorney Docket Number: FSP0291
Application Number: 09/759,935

-10-

Applying the teachings of KSR, the combination of Son and Ritchie would not lead one of ordinary skill in the art to the invention recited in claim 22. Claim 22 does not simply arrange old elements with each performing the same function it has been known to perform. The combination of Son and Ritchie may yield a system where the CIU would use the logical node id for network configuration verification, and would use the CIU serial number for service requests. Clearly then Ritchie teaches away from the present claims, by teaching use of a terminal-specific ID (the CIU serial number) instead of a non-terminal specific group id in upstream service requests. The Examiner's arguments for the combination to yield the headend of claim 22 require the function of the pieces of Son and Ritchie to change when placed in combination.

Further applying KSR, one skilled in the art would not be led to create the invention of claim 22 by combining the teachings of Son and Ritchie, at least because 1) the logical node id of Son is not suitable for uniquely identifying subscribers in service requests as taught by Ritchie, and 2) the combination of Son and Ritchie does not anywhere suggest or imply that a non-terminal-specific group id sent downstream would later be used in upstream VOD requests.

Please note that independent claims 26, 30, 32, 34, and 38 recite limitations similar to at least some of those argued for claim 22, above, and thus are distinguished for similar reasons. Claims dependent on the independent claims are likewise distinguished. The Applicant will respectfully not repeat the arguments above for the other independent claims, in the interests of efficiency.

Son in View of Dodson Does Not Teach The Headend of Claim 22

Respectfully, the headend of Dodson is clearly distinguished from the headend of claim 22 because Dodson doesn't teach the headed specifically enabling one or more modulators associated with a terminal group identifier to pass the video on demand data downstream. Dodson teaches an entirely different application, in which a port and node id are inserted into a service request by equipment upstream of the terminal, and this information is used to verify access rights to the requested content. The information

Attorney Docket Number: FSP0291
Application Number: 09/759,935

-11-

added to the streams by upstream equipment is not used by the headend to specifically enable downstream modulators associated with a terminal group, and not others. This feature is lacking from both Son and Dodson.

Furthermore, KSR teaches that one skilled in the art must be motivated to combine the references, and in the case of Son and Dodson, there simply is no such motivation. Son teaches that the terminal group id is already stored by the terminal and later incorporated in upstream messages. Dodson teaches that equipment ids are inserted into service requests by upstream equipment, not the terminals. These are two primarily exclusive approaches. There would be little if any benefit to combining these two approaches into a single system, and especially the benefits achieved by the headend of claim 22 would not be achieved or apparent from such a combination. If the network equipment were to insert group ids into upstream service requests, there would be no motivation to incur the complexity and overhead of broadcasting node ids downstream and store them in the terminals, and vice versa. In fact, such a combination may lead to inconsistencies and inefficiencies between what is provided downstream and what is provided upstream, as the sources of the information would be entirely different.

Please note that, again, independent claims 26, 30, 32, 34, and 38 recite limitations similar to at least some of those argued for claim 22, above, and thus are distinguished for similar reasons. Claims dependent on the independent claims are likewise distinguished. The Applicant will respectfully not repeat the arguments above for the other independent claims, in the interests of efficiency.

Conclusion

For at least the reasons provided, all of the claims should be allowed. If an interview would help further the prosecution, the Examiner is urged to contact the Applicant at the numbers provided below.

Respectfully Submitted by:
Signature   /Charles A. Mirho/   Date: 12/29/2008
                 Charles A. Mirho
                 Reg. 41,199